

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

CONSTITUTION PIPELINE COMPANY, LLC,	:	
	:	CIVIL ACTION NO. 3:14-2458
Plaintiff	:	
	:	(JUDGE MANNION)
v.	:	
	:	
A PERMANENT EASEMENT FOR 1.84 ACRES, AND TEMPORARY EASEMENTS FOR 3.3 ACRES, IN NEW MILFORD TOWNSHIP, SUSQUEHANNA COUNTY, PENNSYLVANIA, TAX PARCEL NUMBER 127.00-1,063.00,000; MICHAEL W. ZEFFER, et al.;	:	
Defendants	:	

O R D E R

NOW, this 16th day of March, 2015, in response to the plaintiff's Motion for Partial Summary Judgment (Doc. [12](#)) and the Emergency Motion for Preliminary Injunction (Doc. [15](#)), the court finds that the plaintiff has the substantive right to condemn the subject properties located in New Milford Township, Susquehanna County, Pennsylvania for possession of Rights of Way for the reasons that:

1. The plaintiff has obtained a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission

(“FERC”) dated December 2, 2014;

2. The December 2, 2014 FERC Order covers the subject property and/or easements;
3. Plaintiff has been unable to acquire the property and/or easements by agreement.

As a result of this determination, the plaintiff’s Motion for Partial Summary Judgment (Doc. [12](#)) is **GRANTED**.

Given this determination, the court turn to the factors relating to whether to grant a preliminary injunction.

Likelihood of Success on the Merits. The court finds that the plaintiff has satisfied this requirement because this court has determined that the plaintiff has a substantive right to condemn the subject property and/or easements. The court has entered partial summary judgment reflecting this conclusion.

Irreparable Harm. The court finds that the plaintiff will suffer immediate and irreparable harm, as set forth in the plaintiff’s brief, without possession of the Rights of Way as soon as possible.

Weighing the Various Equities. Given that the defendants will receive just compensation for this property and/or easements, they will not suffer

significant harm. As noted above, the plaintiff is likely to suffer immediate and irreparable harm without possession of the Rights of Way. Therefore, this factor weighs heavily in favor of the plaintiff.

Public Interest. The public interest will be best served by the grant of this injunction given the Certificate of Public Convenience and Necessity that was issued by FERC on December 2, 2014. The additional natural gas capacity that this pipeline will provide is in the public interest.

For all of the foregoing reasons, the injunction will be **GRANTED**, upon the posting of a \$1,600,000 bond, in total, covering all properties related to this proceeding. Upon the posting of the bond, the Constitution Pipeline Company, LLC, and its agents shall have immediate entry and access onto the subject property and/or easement in New Milford Township, Susquehanna County, Pennsylvania, prior to the award of just compensation, to begin construction of an interstate natural gas pipeline from Susquehanna County, Pennsylvania to Schoharie County, New York.

It is further ordered that the defendants, and owners of the subject property shall permit and allow, upon the posting of the bond, the Constitution Pipeline Company, LLC and its agents immediate entry and access onto the subject property and/or easements in New Milford Township, Susquehanna

County, Pennsylvania, in accordance with this Order.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: March 17, 2015

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